DIVISIONAL FOREST OFFICER
Instl Rule No 20
Date 22/4/99
WORKING PLANS PARTY II

No 80

SOUTHERN CIRCLE

THE NEGOTIABLE INSTRUMENTS ACT.

1. The following opinion No. 1306, dated 6th October 1886, was recorded by the Remembrancer of Legal Affairs :—

"If New Year's Day or Christmas Day falls on a Sunday, the explanation to Section 25 of Act XXVI of 1881 declares that the next following Monday, as well as the Sunday, shall be a public holiday for the purposes of that section. The explanation also authorizes the Local Government to declare any other day to be a public holiday for the purposes of that section; and the Notification No. 3388 of 9th December 1885, declaring Monday, the 23rd August, to be a public holiday for those purposes, was, I think, perfectly legal, whether that day corresponded with the Hindu festival of Gokul-ashtami or not.

"2. The Notification No. 4794 of 16th December 1885 was, as I understand it, merely an announcement of the days in 1886 on which Government authorized the closing of public offices, and it was obviously competent to Government to include Monday, the 23rd August, in that list or not, as they might think fit. It does not follow that the days recognized by Government as public holidays for official purposes need be the same as those declared by them to be public holidays for the purposes of Section 25 of Act XXVI of 1881."

(G. R. No. 3204, dated 20th October 1886.)

2. In all provinces, holidays which are intended to be treated as public holidays under the Negotiable Instruments Act should be notified in the Local Gazettes under Section 25 thereof. (G. I., F. & C., No. 4812, dated 12th September 1887; *vide* G. R. No. 2767, dated 12th October 1887.)

3. Treasuries, as a general rule, should not be completely closed on any days save those which are declared holidays by or under the Negotiable Instruments Act. The general notification of holidays under the Act would apply to all districts; and any local holidays of importance should be reported to Government and notified under the Act. (G. R. No. 1842, dated 9th May 1889.)

4. As Baroda is under the direct political control of the Government of India, the Government of Bombay is not the Local Government in respect of it for the purposes of Section 25 of the Negotiable Instruments Act, 1881. (G. R. No. 602, dated 20th February 1890.)

5. The Commissioners of Divisions and in Sind should submit as soon as possible after the publication each year of the usual notification of holidays under the Negotiable Instruments Act for the Presidency generally a list of the important additional holidays which they may consider it advisable to notify under the Act for each district in their respective divisions after consultation with the Managers of the local branches of Banks in the case of districts where such branches exist. (G. R. No. 804, dated 7th March 1890.)

6. As it is the practice for the Governor General in Council to fix the date on which Her Majesty's

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Birthday is to be kept in India, when public holidays are notified by the Local Governments under Section 25 of the Negotiable Instruments Act no date should be mentioned on which the Birthday is to be observed, but a note should be made that the day which may be fixed for its observance will be a public holiday. (G. I., H. D., No. 14-Pub.-734, dated 25th May 1893; *vide* G. R. No. 2194, dated 16th June 1893.)